

**SENATE AMENDMENT**

AMENDMENT NO. \_\_\_\_\_

Parrish/Landau  
December 12, 2019

**D**

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED

**R**

\_\_\_\_\_  
Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

**BILL NO: S. 419**

(Reference is to the original version.)

**A**

**BEFORE YOU READ THE BILL:**

1) All dates have been moved to non-codified SECTIONS. *They still have the force and effect of law and will appear in the editor’s notes online*, but you will not see it in the statutory section. We are doing this to “clean up” the Code so that these things do not become obsolete and cluttered as time passes.

2) All policy statements have been moved to non-codified sections. *They still have the force and effect of law because they will be a part of the Act*. They summarize what you will see in statute, and, as such, are not necessary to have in the Code. The thought is that if the law is strong enough, then clarifying summaries are not necessary.

Senator HEMBREE proposed the following amendment (not yet finalized):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. This act must be known and may be cited as the “South Carolina Career Opportunity and Access for All Act”.

PART I

Student Participation on the State Board of Education

SECTION 2. A. Section 59-5-10 of the 1976 Code is amended to read:

“Section 59-5-10. (A)(1) The State Board of Education shall be composed of one member from each judicial circuit. The members shall serve terms of four years and until their successors are elected and qualify, except of those first elected, the members from the fifth, tenth and fourteenth circuits shall serve terms of one year; the members from the first, sixth, eighth and twelfth circuits shall serve terms of two years and the members from the fourth, seventh, ninth and eleventh circuits shall serve terms of three years. The terms of all members shall commence on January first following their election.

(2) The legislative delegations representing the counties of each judicial circuit shall meet upon written call of a majority of the members of the delegations of each judicial circuit at a time and place to be designated in such call for the purpose of electing a member of the ~~Board~~ board to represent such circuit. A majority present, either in person or by written proxy, of the members of the county legislative delegations from a given circuit shall constitute a quorum for the purpose of electing a member, but no person ~~shall~~ may be declared elected who ~~shall fail~~ fails to receive a majority vote of all the members of the county legislative delegations from the circuit. The joint county legislative delegations of each circuit shall be organized by the election of a chairman and a secretary and such joint legislative delegations shall, subject to the provisions herein, adopt such rules as they ~~deem~~ consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and secretary of the joint county legislative delegations of each circuit shall immediately transmit the name of the person elected to the Secretary of State who shall forthwith issue to such person, after he has taken the usual oath of office, a certificate of election as a member of the ~~State Board of Education~~ board. The Governor shall thereupon issue a commission to such person and pending such issuance the certificate of election shall be a sufficient warrant to such person to perform all of the duties and functions of his office.

(3) Any vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(4) Representation of a given judicial circuit on the ~~State Board of Education~~ board shall be rotated among the counties of the circuit, except by unanimous consent of all members of the county legislative delegations from the circuit. No member shall succeed himself in office except by unanimous consent of the members of the county legislative delegations from the circuit. Members of the legislative delegation of any county entitled to a member of the ~~Board~~ board shall nominate persons for the office, one of whom shall be elected to the ~~Board~~ board.

(5) The ~~Board~~ board shall select its chairman and other officers to serve for such terms as the ~~Board~~ board may designate. Provided, the Superintendent of Education shall serve as secretary and administrative officer to the ~~Board~~ board. The ~~Board~~ board shall adopt its own rules and procedures. The chairman and other officers shall have such powers and duties as may be determined by the ~~Board~~ board not inconsistent with the law.

(6) At the initial meeting of the legislative delegations representing the counties of each circuit, it shall be determined by lot the sequence in which each county ~~shall be~~ is entitled to nominate persons for the office.

(B)(1) In addition to the members of the board provided in subsection (A), the board shall include three nonvoting advisory members appointed by the Governor to consist of:

(a) two public school students who shall serve a one-year term, one of whom must attend a school located in a Tier III or Tier IV county as designated in Section 12-6-3360, provided that:

(i) a member may not serve if he discontinues attending public school in this State; and

(ii) a vacancy must be filled for the remainder of the term by another public school student; and

(b) one former State Teacher of the Year who shall serve a two-year term, provided that a vacancy must be filled for the remainder of the term by another former State Teacher of the Year.

(2) A person may serve no more than two years as a nonvoting advisory member. A nonvoting advisory member may not serve as chairman of the board.

(C) In consultation with the Education and Economic Development Act Coordinating Council and the State Superintendent of Education, the board shall annually provide a comprehensive report to the Governor and the General Assembly before December first that specifically identifies key benchmarks within the zero-to-twenty education and workforce pipeline for measuring the progress of state agencies' and other publicly funded entities' efforts to meet those benchmarks. The board, through the State Superintendent of Education, shall provide recommendations regarding ways that state and local efforts can be improved, ways that collaboration and cooperation among state and local agencies and resources can be measurably improved, and efforts underway or being considered in other states that address the noted areas of concern. The State Superintendent of Education shall also recommend any legislation he considers necessary."

B.Section 59-5-10(C) takes effect on January 1, 2022.

PART II

Coursework, Assessments, and Reporting

SECTION 3. A. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59-29-250. (A) At least every five years, the State Board of Education shall conduct a cyclical review of grade-appropriate standards for computer science, computational thinking, and computer coding for grades nine through twelve.

Experts and officials from higher education, business, and industry must be included in the development of the standards.

(B) Each public high school and public charter high school must offer at least one computer science course that:

- (1) is rigorous and standards-based;
- (2) meets or exceeds the curriculum standards and requirements established by the State Board of Education;
- (3) meets the needs of the diverse students who will pursue postsecondary education or who will enter careers in computer and information technology upon graduation; and

(4) is made available in a traditional classroom setting, dual enrollment course, blended learning environment, online-based format, or other technology-based format tailored to meet the needs of each participating student.

(C) The Department of Education shall:

(1) establish qualifications for and employ staff who are responsible for coordinating and leading the South Carolina Computer Science Education Initiative;

(2) support kindergarten through twelfth grade academic and computer science teachers in designing interdisciplinary, project-based instruction and assignments that engage students in applying literacy, math, and computational thinking skills to solve problems;

(3) design career pathways that connect students to postsecondary programs, degrees, or credentials in high-demand career fields, including, but not limited to, cybersecurity, information systems, informatics, computer engineering, and software development as identified by the Department of Commerce;

(4) offer professional development and teacher endorsements to teachers who will teach computer science;

(5) develop criteria for postsecondary computer science teacher preparation programs, in conjunction with the State Board of Education, which shall develop guidelines creating certification pathways for computer science teachers;

(6) develop guidelines for use by school districts and schools outlining the educational and degree requirements for computer science teachers;

(7) provide information and materials that identify emerging career opportunities in computer science and related fields to parents, students, teachers, and guidance counselors; and

(8) assist districts in developing partnerships with business, industry, higher education, and communities to provide afterschool and extracurricular activities that engage students in computer science.”

B. Section 59-29-250(B) takes effect upon approval by the Governor and must be completed by August 1, 2021.

C. Section 59-29-250(C) takes effect August 1, 2021.

SECTION 4. Section 59-18-310(B)(1) of the 1976 Code is amended to read:

“(B)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, and science, ~~and social studies~~ in grades three through eight, as delineated in Section 59-18-320, and end-of-course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, and science, ~~and social studies~~. A student’s score on an end-of-year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end-of-course examinations are administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.”

SECTION 5. Section 59-18-320(B) of the 1976 Code is amended to read:

“(B) After review and approval by the Education Oversight Committee, and pursuant to Section 59-18-325, the standards-based assessment of mathematics, English/language arts, ~~social studies~~, and science will be administered for accountability purposes to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student’s Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities.”

SECTION 6. Section 59-18-325(C)(3) of the 1976 Code is amended to read:

“(3) ~~Beginning with the 2017-2018 School Year, the~~ The department shall procure and administer the standards-based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards-based assessment in science to students in grades four, and six, ~~and eight, and the standards-based assessment in social studies to students in grades five and seven.~~”

SECTION 7. A. Article 3, Chapter 18, Title 59 of the 1976 Code is amended by adding:

“Section 59-18-365. (A) For the purposes of monitoring student progress and tracking growth toward college and career readiness, the department shall track student performance from kindergarten through the twelfth grade in reading and mathematics along a common, consistent scale that is nationally recognized and approved by the Education Oversight Committee. At least annually, and before August fifteenth, the department shall provide the resulting measures of student performance to parents and teachers. These measures must be designed to help parents and teachers better understand which

skills and concepts a student is ready to learn and to help to form instruction, track growth, and identify appropriate resources for students. A local school district shall also provide information on Lexile and Quantile measures on interim or benchmark assessments administered by the local school district or local school during the school year.

(B) The department shall provide online and printed resources for assisting parents in improving student growth in reading and mathematics to ensure all students graduate with the skills necessary to be college and career ready. Parent resources must include information that identifies the Lexile and Quantile scores recommended for specific careers.

(C) The department shall provide resources to assist teachers in using common, consistent scale measures to improve the teaching and learning of reading and mathematics.

(D) The formative assessments adopted pursuant to Section 59-18-310(D) shall be linked to common, consistent scales in reading, mathematics, or both. Formative assessments approved pursuant to Section 59-18-310 must provide a common, consistent scale in reading, mathematics, or both.

(E)(1) In kindergarten through the second grade, local schools and districts may select assessments designed to measure students' reading and mathematical performance on common, consistent scales. Those measures should then be reported to the department and also shared with students, parents, and teachers.

(2) In the third grade through the eighth grade, the statewide summative assessment program in English/language arts and mathematics that is administered pursuant to Section 59-18-325(C)(1) must provide Lexile measures that report information on the student's reading ability and Quantile measures that indicate the student's understanding of mathematical skills and concepts at the individual student level.

(3) Assessments offered and administered at the high school level pursuant to Section 59-18-325(A) and the end-of-course assessments administered pursuant to Section 59-18-320(C) should, if available, measure students' reading ability and mathematical understanding on the same Lexile and Quantile scales. Those measures must be reported to the department and shared with students, parents, and teachers.

(F) The department and State Board for Technical and Comprehensive Education shall establish common minimum admission standards, to include high school equivalency standards, sufficient to negate the need for a student to attend or enroll in reading or mathematics remediation at the postsecondary level.”

B.Section 59-18-365(A) takes effect August 1, 2021.

C.Section 59-18-365(F) takes effect January 1, 2022.

**D** SECTION 8. Section 59-18-1950(B)(1) of the 1976 Code is amended to read:

**R** “(B)(1)The Revenue and Fiscal Affairs Office, working with the Office of First Steps to School Readiness, the South Carolina Department of Education, the South Carolina Commission on Higher Education, the Department of Social Services, the South Carolina Technical College System, the Department of Commerce, the Department of Employment and Workforce, and other state agencies or institutions of higher education, shall develop, implement, and maintain a universal identification system that includes, at a minimum, the following information for measuring the continuous improvement of the state public education system and the college and career readiness and success of its graduates:

**A** (a) students graduating from public high schools in the State who enter postsecondary education ~~without the need for remediation;~~

**F** (b) students graduating from public high schools in the State who enter postsecondary education with a need for remediation;

(c) working-aged adults in South Carolina by county who possess a postsecondary degree or industry credential;

**T** ~~(e)~~(d) high school graduates who are gainfully employed in the State within five and ten years of graduating from high school; ~~and~~

(~~d~~)(e) outcome data regarding student achievement and student growth that will assist colleges of education in achieving accreditation and in improving the quality of teachers in classrooms.”

SECTION 9. A. Chapter 156, Title 59 of the 1976 Code is amended by adding:

“Section 59-156-250. (A) As a component of a Kindergarten Readiness Program Report, the Education Oversight Committee shall annually provide the following information, relying on data and information submitted by the Office of First Steps to School Readiness, the State Department of Education, and the Department of Social Services, at the district and the state level:

(1) the number of four-year-old children eligible for the South Carolina Child Early Reading Development and Education Program and the number of four-year-old children enrolled in, and the number funded, at the forty-fifth and one hundred thirty-fifth days of the program, provided that this information must be reported by the school district and the Office of First Steps through its four-year-old kindergarten providers and must include the number of children served by state-funded public and private providers;

(2) kindergarten readiness assessment scores by district, differentiated by state-funded public and private four-year-old kindergarten providers, and Head Start or ABC Voucher programs;

(3) the number of four-year-old kindergarten classrooms and spaces added in each of the previous five school years by level of quality;

(4) the number of four-year-old kindergarten classrooms that are considered to be high quality, and the basis for this determination;

(5) the number of spaces available to serve four-year-old children, the number of openings available, and the number of children on a waitlist as of August first for four-year-old kindergarten in the upcoming school year; and

(6) a detailed plan for increasing the number of students served throughout the State, with an emphasis on districts in Tier III and IV counties as determined in Section 12-6-3360, and waitlist information pursuant to item (5).

(B) As reasonable and necessary, and to the extent possible, data and information for programs funded by local school districts and by the Education Improvement Act shall be provided and included in the reporting required pursuant to this section.

(C) The Education Oversight Committee shall annually submit a Kindergarten Readiness Program Summary Report to the General Assembly. If funding is provided, then a Kindergarten Readiness Comprehensive Analysis Report may be submitted at least every three years to satisfy this reporting requirement. The information pursuant to subsections (A) and (B) must be included in the annual report submitted, which shall also include year-over-year trend information.”

B.Section 59-156-250(C) takes effect January 15, 2021.

SECTION 10. A.Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59-29-17. Each high school shall offer a one-half credit course in personal finance as an elective that students may use to complete graduation requirements. The curriculum for this course option as a partial graduation requirement shall incorporate competencies pursuant to Financial Literacy Instruction in Act 38 of 2005.”

B. The State Department of Education shall develop the curriculum for coursework pursuant to Section 59-29-17, as added by this SECTION, before July 1, 2021.

C. This SECTION takes effect August 1, 2021.

### PART III

#### Read to Succeed Initiative

SECTION 11. Section 59-155-110(4) of the 1976 Code is amended to read:

“(4) each student receives targeted, effective, ~~comprehension~~ support in reading comprehension from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade-level texts;”

SECTION 12. Section 59-155-120(5) and (10) of the 1976 Code is amended to read:

“(5) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add-on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education. An intervention must be evidence-based and follow the multi-tiered system of supports or ‘MTSS,’ as defined in Section 59-33-510(3), and the Response to Intervention or ‘RTI,’ as defined in Section 59-33-510(4). Reading interventionists may not be required to perform administrative functions that will confuse their role

for teachers. Reading interventionists are not English for Speakers of Other Languages teachers and may not be required to provide direct instruction as English-language learners.”

D “(10) ‘Substantially fails to demonstrate third-grade reading proficiency’ means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the statewide summative ~~reading~~ assessment ~~that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS) in English/language arts, qualifying the student as eligible for retention pursuant to Section 59-155-160(A).”~~

R SECTION 13. Section 59-155-130(3) and (4) of the 1976 Code is amended to read:

A “(3) working collaboratively with institutions of higher ~~learning~~ education offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading-literacy to design coursework leading to a literacy teacher add-on endorsement by the State. The coursework must be founded on scientifically based reading

F practices and evidence-based interventions, including the use of data to identify struggling readers and inform instruction;

(4) providing professional development on scientifically based reading practices and evidence-based interventions, including the use of data to identify struggling readers and inform instruction in reading and coaching for already certified reading/literacy coaches and literacy teachers;”

T SECTION 14. Section 59-155-140(B)(2)(a) of the 1976 Code is amended to read:

“(a) document the reading and writing assessment and instruction planned for all PK-12 students and the interventions in prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade-level texts. Supplemental instruction ~~shall~~ must be provided by teachers who have a literacy teacher add-on endorsement and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or ~~both~~ through any combination of these strategies;”

SECTION 15. A.Section 59-155-150 (B) of the 1976 Code is amended to read:

“(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon ~~formal diagnostic assessments or through teacher observations~~ the universal screening process, as defined in Section 59-33-510(7), and, if indicated, diagnostic assessments and teacher observations, must be provided intensive in-class and supplemental reading intervention immediately upon determination. These assessments may be used to satisfy the screening requirements provided in Article 5, Chapter 33 of this title. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. ~~These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in-class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade level independently.~~ In addition, the parent or guardian of the student must be notified, in writing, of the child’s inability to read grade-level texts, the interventions to be provided, and the child’s reading abilities at the end of the planned interventions. The intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure that the student is on track to be reading on grade level by the end of the third grade. In addition to students enrolled in the third grade and pursuant to Section 59-155-160(C), each district must offer a summer reading camp as an intervention for any student enrolled in the first or second grade who is substantially not demonstrating proficiency in reading, based upon the universal screening process, as defined in Section 59-33-510(7), and, if indicated, diagnostic assessments and teacher observations, at no cost to the student. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office.”

B. Section 59-155-150 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) A district superintendent or charter school authorizer may submit a request to the department to waive the minimum one hundred eighty-day school attendance requirement for kindergarten students for the purpose of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administering the readiness assessment to kindergarten students during the first five days of the academic year.”

SECTION 16. Chapter 155, Title 59 of the 1976 Code is amended by adding:

“Section 59-155-155. (A) For the purposes of this section, ‘literacy’ means the ability to read and write, and ‘numeracy’ means fluency in understanding numbers and mathematical operations.

(B)(1) The board shall approve no more than five reliable and valid early screening instruments for selection and use by school districts, pursuant to the district universal screening process, as defined in Section 59-33-510(7), in kindergarten through the third grade. At a minimum, the approved screening instruments shall include literacy and numeracy.

(2) An early literacy screening instrument must:

- (a) provide screening and diagnostic capabilities for monitoring student progress in reading;
- (b) at a minimum, measure phonological awareness, decoding and encoding, fluency, vocabulary, and comprehension; and
- (c) identify students who have a reading deficiency, including students with characteristics of dyslexia.

(3) An early numeracy screening instrument must provide screening and diagnostic capabilities.

(4) In determining which instruments to approve, the board shall consider, at a minimum, the following factors:

- (a) the amount of time that the instrument requires, with the intention of minimizing the impact on instructional time;
- (b) the level of integration of results with instructional support for teachers and students;
- (c) the timeliness in reporting results to teachers, administrators, and parents; and
- (d) the level of integration of results with instructional support for teachers and pupils.

(C) A district shall administer one or more screening instruments in the first thirty days of the school year and repeat this process, if indicated, pursuant to the universal screening process defined in Section 59-33-510(7), which may be used to determine student progress in reading and numeracy in kindergarten through the third grade. Contingent upon funding being provided by the General Assembly, the department shall reimburse districts for the cost of the instrument or instruments selected upon receipt of the assessment data used in the progress monitoring system. All school districts must use one of the literacy and numeracy screening instruments selected by the department; however, no literacy or numeracy screening instrument or instruments must be used by school districts to determine if a student will be promoted to the next

grade level. Classroom teachers must also be provided professional development by the department in administering instruments and in understanding the results so that the teachers can provide the appropriate evidence-based intervention.

(D) A school district may submit a waiver to the board to use a screening instrument that is not on the approved list but meets minimum technical, administration, and content criteria as determined by the department.

(E)(1) The department shall:

(a) create an online reporting system to monitor the effectiveness of the early literacy or numeracy screening assessment instruments; and

(b) require school districts annually to submit data requested by the department, which may be used to determine whether the instruments are accurately identifying students in need.

(2) The online reporting system provided in item (1) must:

(a) track, screen, and monitor the early literacy and numeracy progress of students in kindergarten through the third grade toward third-grade reading proficiency and mathematics proficiency at the state, district, and school levels; and

(b) create a consistent statewide reporting mechanism to identify students with a reading deficiency, including students with dyslexia; and

(c) be used to receive the annual report required by Section 59-33-540.”

SECTION 17. A. Section 59-155-160 of the 1976 Code is amended to read:

~~“Section 59-155-160. (A) Beginning with the 2017-2018 School Year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS).”~~ A student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative assessment in English/language arts, which indicates that the student needs substantial academic support to be prepared for the next grade level. A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third-grade reading proficiency on the spring or summer administration of an alternative assessment approved by the department board and which teachers may administer following the administration of the state assessment of reading;

(4) who have received two years of reading intervention and were previously retained;

(5) ~~who through a reading portfolio document, the student's mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student's mastery of the state English/language arts standards that are assessed by the grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however, the student portfolio must meet the following minimum criteria:~~

~~(a) be selected by the student's English/language arts teacher or summer reading camp instructor;~~

~~(b) be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom;~~

~~(c) include evidence that the benchmarks assessed by the grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school's adopted core reading curriculum that are aligned with the state English/language arts standards or teacher prepared assessments;~~

~~(d) be an organized collection of evidence of the student's mastery of the English/language arts state standards that are assessed by the grade three state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and~~

(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills who, through a reading portfolio, are documented to be reading on grade level and have mastered the third-grade English/language arts standards. A student portfolio for promotion to the fourth grade must:

**D** (a) consist only of grade-level work selected by the student's teacher from portfolio requirements;  
(b) be an accurate representation of the student's reading ability and only include student work that has been independently produced in the classroom;

**R** (c) include clear evidence that the standards assessed by the third-grade English/language arts assessment have been met. This clear evidence:

(i) must include multiple choice items and passages that are approximately fifty percent literary text and fifty percent informational text and that are at least an average of five hundred words; and

**A** (ii) could include chapter or unit tests from the district or school's adopted core reading curriculum that are aligned with the state English/language arts standards or district or teacher-prepared assessments that meet standards developed and reviewed by the department;

**F** (d) be an organized collection of evidence of the student's mastery of the state English/language arts standards that are assessed by the third-grade statewide English language arts assessment. For each standard, there must be at least five work samples of mastery in which the student attained a grade of seventy or higher. Demonstrating mastery of each standard is required; and

**T** (e) be signed by the student's teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the reading achievement level of the student and that the student possesses the required reading skills to be promoted to the fourth grade; and

(6) who successfully participate in a summer reading camp at the conclusion of the third grade year and demonstrate through either a reading portfolio or through a norm-referenced, alternative assessment, selected from a list of norm-referenced, alternative assessments approved by the Read to Succeed Office for use in the summer reading camps, that the student's mastery of the state standards in reading is equal to at least a level above the lowest level on the state reading assessment in English/language arts.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student's academic record. This evidence must be limited to the student's individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent's acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(4) A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal.

(5) Each school district superintendent shall annually submit a report including the following information at the school and the district level, for the academic year just completed, to its district board and to the department:

(a) the total number of retention exemptions granted pursuant to this section;  
(b) the number of appeals made and the number of appeals granted pursuant to this section;  
(c) the academic outcome of students pursuant to subitems (a) and (b), including, but not limited to, state English/language arts summative assessment results in grades four through eight; and

(d) the information in subitems (a) through (c) for the current academic year and the two immediately preceding academic years.

(C)(1) Students eligible for retention under the provisions in Section 59-155-160(A) may enroll in a summer reading camp provided by their school district or a summer reading camp consortium to which their district belongs prior to being retained the following school year. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. The camps must be taught by compensated teachers who have at least an add-on literacy endorsement or who have

documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts also may choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

(2) A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and do not meet the good cause exemption. Districts may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the first, second, or third grade and does not meet the good cause exemption.

(D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and writing instruction, supplemental text-based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student's individual reading proficiency skills through small group instruction, reduced teacher-student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure the student is on track to be reading at or above grade level by the end of the school year. The school must report to the Read to Succeed Office, through the online portal, on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third-grade reading proficiency by the end of the second grading period of the third grade, then:

(1)(a) his parent or guardian timely must be notified, in writing, that the student is being considered for retention and a conference with the parent or guardian must be held prior to a determination regarding retention is made, and conferences must be documented;

D (b) within two weeks following the parent/teacher conference, copies of the conference form must be provided to the principal, parent or guardian, teacher and other school personnel who are working with the child on literacy, and summary statements must be sent to parents or legal guardians who do not attend the conference;

R (c) following the parent/teacher retention conference, the principal, classroom teacher, and other school personnel who are working with the child on literacy must review the recommendation for retention and provide suggestions for supplemental instruction; and

A (d) recommendations and observations of the principal, teacher, parent or legal guardian, and other school personnel who are working with the child on literacy must be considered when determining whether to retain the student.

(2) The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced-based services outside the instructional day.

F (F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall be provided by reading interventionists in the classroom and supplementally by teachers with a literacy teacher add-on endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school as documented in the district reading plan, and may include book clubs, ~~or~~ summer reading camps, or any combination of these strategies.”

B.Section 59-155-160(A) takes effect August 1, 2020.

C.Section 59-155-160(B)(5) takes effect September 1, 2020.

SECTION 18. A.Section 59-155-180 of the 1976 Code is amended to read:

“Section 59-155-180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English/language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in prekindergarten through grade twelve, the State shall strengthen its pre-service and in-service teacher education programs.

~~(B)(1) Beginning with students entering a teacher education program in the fall semester of the 2016-2017 School Year,~~  
all All pre-service teacher education programs including MAT degree programs must require all candidates seeking certification at the early childhood or elementary level to complete a twelve credit hour sequence in literacy that includes a school-based practicum and ensures that candidates grasp the theory, research, and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing an effective intervention. All teacher preparation programs must be approved for licensure by the State Department of Education to ensure that all teacher education candidates possess the knowledge and skills to assist effectively all children in becoming proficient readers. The General Assembly is not mandating an increase in the number of credit hours required for teacher candidates, but is requiring that pre-service teacher education programs prioritize their missions and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

~~(2) Beginning with students entering a teacher education program in the fall semester of the 2016-2017 School Year,~~  
all All pre-service teacher education programs, including MAT degree programs, must require all candidates seeking certification at the middle or secondary level to complete a six credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content-area reading. All middle and secondary teacher preparation programs must be approved by the department to ensure that all teacher candidates possess the necessary knowledge and skills to assist effectively all adolescents in becoming proficient readers. The General Assembly is not mandating an increase in the number of semester hours required for teacher candidates but rather is requiring that pre-service teacher education programs prioritize their mission and resources so all middle and secondary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways and strategies are needed for developing this capacity.

~~(2) A reading/literacy coach shall be employed in each elementary school. Reading coaches shall serve as job-embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:~~

~~(a) model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;~~

~~(b) facilitate study groups;~~

~~(c) train teachers in data analysis and using data to differentiate instruction;~~

~~(d) coaching and mentoring colleagues;~~

~~(e) work with teachers to ensure that research-based reading programs are implemented with fidelity;~~

~~(f) work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms; and~~

~~(g) help lead and support reading leadership teams~~ All reading coaches funded wholly or partially with state funds will serve as a stable resource for professional development in an elementary school to build master teachers of reading school-wide in order to improve student reading achievement. Reading coaches will support and provide initial and ongoing professional development to teachers in:

(i) the administration and analysis of screening, formative, diagnostic, and summative English/language arts assessments to guide instruction;

(ii) scientifically based reading instruction, including phonological awareness, phonics, fluency, vocabulary, comprehension, and the State's English/language arts standards;

(iii) explicit and systematic instruction with more detailed explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback; and

(iv) differentiated reading instruction and intensive intervention based on student needs.

(b) State-funded reading coaches must have the following minimum qualifications:

(i) a bachelor's degree and advanced coursework or professional development in reading. The board shall prescribe, by regulation, any coursework or professional development that a state-funded reading coach is required to complete successfully;

(ii) three years of experience as a successful classroom literacy teacher;

(iii) knowledge of scientifically based reading research, special expertise in quality reading instruction and intervention, and knowledge of data analysis;

(iv) a strong knowledge base and experience in working with adult learners; and

(v) excellent communication skills, including outstanding presentation, interpersonal, and time management skills.

(c) The duties and responsibilities of a state-funded reading coach must include:

(i) collaborating with the principal to create a strategic plan for coaching that includes specific support for students in poverty;

(ii) facilitating school-wide professional development and study groups;

(iii) modeling effective reading instructional strategies for teachers;

(iv) coaching and mentoring teachers on a daily basis;

(v) facilitating data analysis discussions and supporting teachers with using data to differentiate instruction according to student needs; and

(vi) working with all teachers and prioritizing those teachers, activities, and roles that will have the greatest impact on student reading achievement, namely coaching and mentoring in classrooms, including exceptional needs student education, content area, and elective areas.

(d) Reading coaches may not be required to perform administrative functions inconsistent with their duties.

(e) School districts shall monitor the implementation and effectiveness of the literacy coach and ensure communication between the district, school administration, and literacy coach throughout the year.

(f) As a condition for receiving the state appropriation for reading coaches, the department shall screen and approve the hiring of all reading coaches in a school that has more than one-third of its third grade students scoring at the lowest achievement level on the statewide summative English/language arts assessment. In addition, each reading coach employed in, and the principal of, a school having more than one-third of its third grade students scoring at the lowest achievement

level on the statewide summative English/language arts assessment shall attend professional development training provided by the department. The professional development for the principal and reading coach team must focus on the role of the reading coach in continuously improving reading, to include the role of the reading coach and strategic plans for the coach to support teachers, scientifically based reading research and evidence-based interventions to be implemented in the school, and specific support for students in poverty.

(g) A school in which at least two-thirds of students met or exceeded expectations on the state summative assessment in English/language arts may submit, as part of its reading plan, a request to the department for flexibility to use its allocation to provide literacy support to students, which may include, but is not limited to: a reading coach, a literacy interventionist, or other supplemental services directed to students in need of interventions. This plan must be annually approved by the department as part of the district reading plan.

~~(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. By August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014-2015, reading/literacy coaches are required to earn the add-on certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department for the add-on. During the six year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add-on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in-school services from department-approved consultants or vendors, in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.~~

~~(4) Beginning in Fiscal Year 2015-2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add-on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every~~

~~five years, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, consistent with existing recertification requirements. The board is authorized to approve guidelines on an annual basis for professional development, coursework, certification, and endorsement requirements for teachers of kindergarten through the twelfth grade, including special education teachers, interventionists, reading specialists, and administrators, whose responsibilities, either directly or indirectly, substantially relate to reading and literacy instruction, support, or interventions. The guidelines approved by the board shall also include the issuance of appropriate credit to individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program. Inservice hours earned through professional development for the literacy teacher endorsement must be used for renewal of teaching certificates in all subject areas. The courses and professional development leading to the endorsement must be approved by the State Board of Education and must include foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand-alone practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add-on reading teacher certification can take a content area reading course to obtain their literacy teacher add-on endorsement. Individuals who possess a literacy teacher add-on endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive and prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework required for the literacy teacher add-on certificate.~~

(5) ~~Beginning in Fiscal Year 2015-2016, middle and secondary licensed classroom teachers are required to take at least one course or three credit hours, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office, to improve reading instruction within five years of their most recent certification. The courses and professional development must be approved by the State Board of Education and include courses and professional development leading to the literacy teacher add-on endorsement. Coursework and professional development in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Individuals who possess a literacy teacher add-on~~

~~endorsement or who have earned a master's or doctorate degree in reading are exempt from this requirement. Individuals who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, the South Carolina Reading Initiative, or another similar program should submit their transcripts to the Office of Educator Licensure to determine if they have completed the coursework or professional development required for the literacy teacher add-on certificate~~ Early childhood, elementary, and special education teacher candidates seeking their initial certification in South Carolina must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the board. The objective of this item is to ensure that teacher candidates understand the foundations of reading and are prepared to teach reading to all students.

~~(6) Beginning in Fiscal Year 2015-2016, principals and administrators who are responsible for reading instruction or intervention and school psychologists in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification, or the equivalent professional development hours as determined by the South Carolina Read to Succeed Office. The course or professional development shall include information about reading process, instruction, assessment, or content area literacy and shall be approved by the Read to Succeed Office. The board shall approve guidelines and procedures to allow in-service educators the option of utilizing the test in item (5) to exempt requirements established by the board pursuant to item (4). As part of this process, the board shall set a minimum cut score that an in-service educator must achieve in order to take advantage of this provision. An educator's score on this assessment may not be used for evaluation purposes. Contingent upon funding by the General Assembly, this test shall be provided at no cost to the educator.~~

~~(7) The Read to Succeed Office shall publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add-on endorsement. Annually by January first, the Read to Succeed Office shall publish the approved courses and approved professional development leading to the literacy teacher add-on endorsement.~~

~~(D)(1) The Commission on Higher Education, in consultation with the department, shall annually conduct an analysis to determine the effectiveness of each teacher education program in preparing teachers to diagnose a child's reading problems and to provide small group and individual student interventions that are scientifically based and evidence-based. The department shall provide this information to the Learning Disorders Task Force in Section 59-33-550. At a minimum, the~~

analysis must evaluate each teacher education program as it relates to preparing teachers with knowledge and expertise in the six components of the reading process:

D (a) comprehension;

(b) oral language;

(c) phonological awareness;

(d) phonics;

R (e) fluency; and

(f) vocabulary.

(2) The Commission on Higher Education shall report the findings of its analysis conducted pursuant to item (1) and recommendations for improving teacher education programs to the Governor and to the General Assembly.”

A B.Section 59-155-180(C)(2)(f) and (C)(4) takes effect August 1, 2020.

F C.Section 59-155-180(C)(5) and (D)(1) takes effect July 1, 2021.

#### PART IV

#### T Scholarships and Tuition Assistance

SECTION 19. A.Section 59-104-20 of the 1976 Code is amended to read:

“Section 59-104-20. (A) The Palmetto Fellows Scholarship Program is established to foster scholarship among the state’s post-secondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. Measures must be taken to ensure equitable minority participation in this program. Recipients of these scholarships are designated Palmetto Fellows. Each Palmetto Fellow shall receive a scholarship in an amount not to exceed six thousand seven hundred dollars. These scholarships in combination with all other grants and

scholarships shall not exceed the cost of attendance at the institution attended. The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.

(B) Students, either new or continuing, must not have been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a Palmetto Fellows Scholarship, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea.

(C) Of the funds made available for higher education Palmetto Fellows Scholarships for any year, a percentage thereof must be allocated for students attending South Carolina independent colleges of higher learning in this State. This percentage must be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full-time enrollment (FTE) of all public and independent higher education institutions in South Carolina based on the previous year's data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.

(D) After expending funds appropriated for Palmetto Fellows Scholarships from all other sources, there is automatically appropriated from the general fund of the State whatever amount is necessary to provide Palmetto Fellows Scholarships to all persons meeting the requirements of this section.

(E) A Palmetto Fellows Scholarship is available to an eligible resident student who attends or will attend an eligible ~~four-year~~ public or independent institution.

(F) For purposes of subsection (E):

(1) 'Public or independent institution' means a:

(a) South Carolina public institution defined in Section 59-103-5, ~~excluding a public two-year or technical institution~~, and an independent institution as defined in Section 59-113-50, ~~excluding an eleemosynary junior or independent two-year institution~~; or

(b) public or independent bachelor's level institution chartered before 1962 whose major campus and headquarters are located within South Carolina.

(2) 'Resident student' means a:

(a) student who is either a member of a class graduating from a high school located in this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; and

(b) student classified as a resident of South Carolina for in-state tuition purposes under Chapter 112 of this title at the time of enrollment at the institution.

(G)(1) In addition to qualifications established by regulation, to qualify for a Palmetto Fellows Scholarship, a student shall:

(1)(a) meet the following three criteria:

(a)(i) a minimum score of 1200 on the Scholastic Aptitude Test (SAT) or ~~an equivalent~~ a score of twenty-five on the ACT score;

(b)(ii) a cumulative ~~3.5~~ 4.0 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year;

and  
(c)(iii) rank in the top six percent of the class at the end of the sophomore, junior, or senior year. When calculating eligibility for Palmetto Fellows Scholarships in schools where the top six percent of the graduating class is two students or less, the top two students must be considered for the scholarship regardless of class rank. The top six percent of the graduating class must meet all Palmetto Fellows Scholarship eligibility requirements in order to receive a scholarship. If the top six percent of the class is not a whole number of students, the Commission on Higher Education shall round up to the next whole number of students eligible; or

(2)(b) meet the following two criteria:

(a)(i) a minimum score of 1400 on the Scholastic Aptitude Test (SAT) or ~~an equivalent~~ a score of thirty-one on the ACT score; and

(b)(ii) a cumulative ~~4.0~~ 4.3 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year.

(2) Qualifying scores must be certified by the high school on the Palmetto Fellows Scholarship application by the scholarship application deadline. For the purposes of meeting the rank criteria pursuant to this subsection, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant

to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. Qualifications established by regulation must provide for the inclusion of three-plus-two programs, or non-traditional pathways that lead to the attainment of a bachelor's degree or graduate degree.

(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection. A student who uses a Palmetto Fellows Scholarship to attend an eligible two-year institution shall receive a maximum of four continuous semesters and may continue to use the scholarship to attend an eligible four-year institution, subject to the maximum number of semesters for which the student may be eligible for the scholarship.

(I) The Commission on Higher Education shall, by regulation, define alternative qualifications for an exceptionally gifted student who is a resident of South Carolina and is accepted into an institution of higher learning without having attended or graduated from high school.

(J)(1) A student receiving a Palmetto Fellows Scholarship, in order to retain it, and a student currently enrolled in an eligible institution, in order to receive such a scholarship, must:

(a) earn a 3.0 cumulative grade point average on a 4.0 scale at the end of his freshman year and earn at least thirty credit hours; and

(b) for each year after his freshman year, earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours for the maximum number of semesters permitted at that institution by Section 59-149-60.

(2) For the purposes of Palmetto Fellows Scholarship eligibility, a cumulative grade point average calculation must be inclusive of a student's grade point average at all public or independent institutions attended by the student.

(K) In the event that either the SAT or ACT changes its respective scoring ranges, the Commission on Higher Education shall adjust the minimum scores required by this chapter in order to ensure equivalency.”

B. The provisions of this SECTION do not apply to students in the senior class of the 2021-2022 School Year.

SECTION 20. A. Section 59-149-50 of the 1976 Code is amended to read:

“Section 59-149-50. (A)(1) To be eligible for a LIFE Scholarship, a student must be either a student who has graduated from a high school located in this State; a student who has completed at least three of the final four years of high school within this State; a home school student who has successfully completed a high school home school program in this State in the manner required by law; a student who has graduated from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. These students also must meet the requirements of subsection (B) and be eligible for in-state tuition and fees as determined pursuant to Chapter 112, Title 59 and applicable regulations. In addition, the student must have graduated from high school with a minimum of a ~~3.0~~ 3.3 cumulative grade average on a 4.0 scale and have scored 1100 or better on the Scholastic Aptitude Test (SAT) or ~~have the equivalent ACT score~~ a score of twenty-two on the ACT or better; provided that, if the student is to attend such a public or independent two-year college or university in this State, including a technical college, the SAT or ACT requirement does not apply. If a student chooses to attend such a public or independent institution of this State and does not make the required SAT or ACT score or the required high school grade point average, as applicable, the student may earn a LIFE Scholarship after his freshman year if he meets the grade point average and semester credit hour requirements of subsection (B). For the purpose of meeting the rank criteria pursuant to this section, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship.

(2) In addition to the eligibility requirements of item (1), to be eligible for a LIFE Scholarship, a student who has graduated from a high school located in this State must have earned during his final year at least one unit of credit from among the courses listed within the Commission on Higher Education's 'College Preparatory Course Prerequisite Requirements,' verification of which shall be evidenced by an easily identifiable and uniform notation developed by the Department of Education in consultation with the Commission on Higher Education. This notation shall be included on a student's official high school transcript if the student earned at least one unit of eligible credit during his final year, as required by this item. A student subject to this additional eligibility requirement but whose official high school transcript does not contain this notation shall be deemed ineligible for a LIFE scholarship by the Commission on Higher Education. Dual enrollment may be utilized for the purposes of fulfilling this additional requirement. Qualifications established by regulation must provide for the inclusion of three-plus-two programs, or non-traditional pathways that lead to the attainment of a bachelor's degree or graduate degree.

(B)(1) ~~Students~~ A student receiving a LIFE Scholarship, in order to retain it, and ~~students~~ a student currently enrolled in an eligible institution, in order to receive such a scholarship, must:

(a) earn a ~~3.0~~ 2.8 cumulative grade point average on a 4.0 scale at the end of his freshman year and earn at least thirty credit hours each year; and

(b) for each year after the student's freshman year, earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours for the maximum number of semesters permitted at that institution by Section 59-149-60.

(2) The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student's grade point average at all public or independent institutions attended by the student.

(C) Students who were LIFE Scholarship recipients seeking a degree at such a public or independent institution of this State during their freshman or other year who failed to earn a cumulative 3.0 grade point average as required by subsection (B) at the end of the term they attempted the requisite number of hours required by subsection (B) may regain eligibility if their cumulative grade average is a 3.0 at the end of the term they have attempted at least sixty hours if they are a sophomore or ninety hours if they are a junior.

(D)(1) ~~Beginning with school year 2002-2003, an~~ An entering freshman at a four-year institution to be eligible for a LIFE Scholarship in addition to the other requirements of this chapter shall meet two of the following three criteria:

(1)(a) have the grade point average required by this section;

~~(2)(b)~~ have the Scholastic Aptitude Test (SAT) or equivalent ACT score required by this section;

~~(3)(c)~~ be in the top thirty percent of his high school graduating class.

**D** (2) For home school students and students whose high school graduating class is less than fifty students, the Commission on Higher Education may define alternative criteria for students to meet the requirement of item ~~(3)(c)~~.

**D** (3) After receipt of a LIFE Scholarship by an entering freshman ~~beginning with school year 2002-2003~~, a student shall meet the criteria established in this chapter to retain or regain the scholarship.

**R** (4) For an exceptionally gifted student who is accepted into college without having attended high school, the Commission on Higher Education shall define alternative criteria for the student to qualify for a LIFE Scholarship.

**A** (E) In the event that either the SAT or ACT changes its respective scoring ranges, the Commission on Higher Education shall adjust the minimum scores required by this chapter in order to ensure equivalency.”

B. Section 59-150-370(C) of the 1976 Code is amended to read:

**F** ~~“(C) A student is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a~~ must have graduated from high school with a minimum of a 3.3 cumulative grade point average on a 4.0 scale to be eligible to receive an SC HOPE Scholarship. A ~~minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section.”~~

**T** C. The provisions of this SECTION do not apply to students in the senior class of the 2020-2021 School Year.

SECTION 21. A. Section 59-150-360(A) and (F) of the 1976 are amended to read:

“Section 59-150-360. (A)(1) A person who qualifies for in-state tuition rates pursuant to Chapter 112, Title 59 may receive tuition assistance to attend a technical college of this State or a public two-year institution of higher learning. A person who qualifies for in-state tuition rates pursuant to this title may attend an independent two-year institution of higher learning and receive lottery tuition assistance each year limited to the highest amount of tuition assistance received by

students at public two-year institutions. In order to qualify as a first time entering freshman and before attempting twenty-four academic credit hours, a student must:

~~(1)~~(a) be a South Carolina resident for a minimum of one year;

~~(2)~~(b) be enrolled and maintain six credit hours each semester in a certificate, degree, or diploma program;

~~(3)~~(c) make reasonable progress toward completion of the requirements for the certificate, degree, or diploma program;

~~(4)~~(d) complete a Free Application for Federal Student Aid (FAFSA) application if enrolled in a program awarding college credit. If a student feels that he will definitely not qualify to receive federal financial aid, the student may complete a simple form of minimum questions created by the State Board for Technical and Comprehensive Education and the Commission on Higher Education to determine if the student definitely will not qualify to receive federal financial aid. If it is determined that the student definitely will not qualify to receive federal financial aid, the student shall sign a form created by the State Board for Technical and Comprehensive Education and the Commission on Higher Education, and the student is exempted from completing the Free Application for Federal Student Aid. The State Board for Technical and Comprehensive Education and the Commission on Higher Education shall promulgate regulations to set thresholds for determining if a student definitely will not qualify to receive federal financial aid; and

~~(5)~~(e) not be the recipient of a LIFE Scholarship.

~~(2)~~ Regulations for implementation of this section are the responsibility of the South Carolina State Board for Technical and Comprehensive Education, for the technical college system, and the Commission on Higher Education, for the two-year public and private institutions. These regulations must be developed in a coordinated effort, provide for the allocation of funds based on the tuition assistance granted at each institution, and be interchangeable between each of the institutions affected.”

“(F) In order for a student seeking credit hours for a certificate, degree, or diploma to be eligible after attempting twenty-four academic credit hours the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.”

B. The General Assembly recognizes a need to increase the percentage of working-aged adults with a postsecondary degree or industry credential by encouraging closer partnerships between the State Board for Technical and Comprehensive Education and the State Board of Education in providing programs pursuant to this SECTION. The State Board for Technical and Comprehensive Education, in collaboration with the State Board of Education, shall look at additional pathways of cooperation to better facilitate adult education in an efficient and cost-effective manner. They shall provide a report detailing their findings, to include student participation, retention, and completion numbers, to the General Assembly by June 1, 2020.

## PART V

### Workforce Preparation

SECTION 22. Recognizing that a vibrant workforce is critical to sustaining and growing the economy of this State by servicing existing industry and attracting new industry, the State of South Carolina must endeavor to increase the number of South Carolinians who are ready and able to fill jobs demanded by a dynamic and evolving economy. To achieve this purpose, the State of South Carolina establishes an overall statewide workforce readiness goal of at least sixty percent of all working-age South Carolinians having a postsecondary degree or recognized industry credentials before the year 2030. The General Assembly is encouraged to reexamine and revise this goal on an ongoing basis as needed.

SECTION 23. A. Section 59-59-20 of the 1976 Code is amended to read:

~~“Section 59-59-20. (A)(1) The Department of Education shall develop a curriculum, aligned with state content standards, organized around a career cluster system that must provide students with both strong academics and real-world problem solving skills. Students must be provided individualized educational, academic, and career oriented choices and greater exposure to career information and opportunities. This system must promote the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals~~ The Department of Education, in collaboration with the

Technical College System, the Commission on Higher Education, the Department of Employment and Workforce, and the Department of Commerce, shall develop a career pathways system that:

(a) aligns public education and postsecondary education systems and the career and technology education services provided within and across program providers;

(b) aligns with state and regional workforce needs;

(c) provides students, teachers, parents, and families with general information about career pathways and with strategies to support students in acquiring the academic, employability, and technical skills that employers demand; and

(d) promotes the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals.

(2) After developing the career pathways system provided in subsection (A), the Department of Education shall develop a curriculum that:

(a) is aligned with state content standards; is organized around the career pathways system and system of career clusters, which may be based on national career clusters; and is aligned with state and regional workforce needs as determined by the Department of Commerce;

(b) provides students with strong academic and real world problem-solving skills;

(c) provides students with individualized educational, academic, and career-oriented choices and a greater exposure to career information and opportunities; and

(d) provides online and print resources for assisting parents in improving student growth in reading and mathematics to ensure all students graduate with the skills to be college and career ready. These parent resources must include information that identifies specific careers and the reading and mathematics demands expected in those careers.

~~(B)(1) School districts must lay the foundation for the clusters of study system in elementary school by providing career awareness activities. In the middle grades programs must allow students to identify career interests and abilities and align them with clusters of study for the development of individual graduation plans. Finally, high school students must be provided guidance and curricula that will enable them to complete successfully their individual graduation plans, preparing them for a seamless transition to relevant employment, further training, or postsecondary study. In elementary school, districts shall establish a foundation for the career pathways system and career clusters by providing career awareness~~

activities and, at least annually, informing students, parents, and teachers of individual students' progress toward having the academic skills in reading and mathematics needed as a foundation for a successful pathway through graduation and postsecondary study.

(2) In middle school, districts shall assist students in:

(a) identifying career interests and abilities; and

(b) developing individual graduation plans that align the interests and abilities of the student as identified pursuant to subitem (a) with related career pathways and clusters of study.

(3)(a) In high school, districts and charter authorizers shall provide guidance and curricula, including career tools and resources for personalized learning, that will enable students to complete successfully their individual graduation plans and will prepare them for a seamless transition to relevant employment, further training, or postsecondary study.

(b) Districts and charter authorizers shall annually collect and provide data to the Department of Education regarding the number of students in each of the pathways offered, disaggregated by school and career center, and at the overall district or charter authorizer level. The Department of Education shall make this data available on its website. The school, career center, district, or charter authorizer must make the same data provided by the Department of Education available on their respective websites.”

B.Section 59-59-20(A)(1) takes effect upon approval by the Governor and must be completed on or before August 1, 2023.

SECTION 24. A.Section 59-59-50 of the 1976 Code is amended to read:

~~“Section 59-59-50. (A)(1) Every five years, the Department of Education shall Before July 1, 2006, the Department of Education shall develop state models and prototypes for individual graduation plans and the curriculum framework for career clusters of study. These clusters of study may be based upon the national career clusters and may include, but are not limited to:~~

~~(1) agriculture, food, and natural resources;~~

~~(2) architecture and construction;~~

~~(3) arts, audio-video technology, and communications;~~

- ~~(4) business, management, and administration;~~
- ~~(5) education and training;~~
- ~~(6) finance;~~
- ~~(7) health science;~~
- ~~(8) hospitality and tourism;~~
- ~~(9) human services;~~
- ~~(10) information technology;~~
- ~~(11) law, public safety, and security;~~
- ~~(12) manufacturing;~~
- ~~(13) government and public administration;~~
- ~~(14) marketing, sales, and service;~~
- ~~(15) science, technology, engineering, and mathematics; and~~
- ~~(16) transportation, distribution, and logistics~~

- (a) develop pathways under each career cluster; and
- (b) develop programs of study under each pathway.

(2) In developing programs of study as provided in item (1)(b), the Department of Education shall emphasize the high-skill and in-demand pathways that the state Workforce Innovation and Opportunity Act plan and Coordinating Council for Workforce Development have identified as critical to the State's workforce development system.

(B) The Department of Education is to include in the state models and prototypes for individual graduation plans and curriculum framework the flexibility for a student to develop an individualized plan for graduation utilizing courses offered within the clusters at the school of attendance. Any plan of this type is to be approved by the student, parent or guardian, and the school guidance staff.

(C) The Department of Education shall collaborate with the Education and Economic Development Act Coordinating Council to develop a pathway certification process for high schools and postsecondary institutions.”

B.Section 59-59-50(A)(1) takes effect August 1, 2021.

C.Section 59-59-50(C) takes effect upon approval by the Governor and must be completed before August 1, 2022.

SECTION 25. A.Section 59-59-60 of the 1976 Code is amended to read:

~~“Section 59-59-60. Before July 1, 2007 school districts~~ Each school district shall:

(1) ~~organize high school curricula around a minimum of three clusters of study and cluster majors. The curricula must be designed to provide a well rounded education for students by fostering artistic creativity, critical thinking, and self discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life~~ career pathways that are targeted to regional and state workforce needs. A district must offer at least one pathway in each career center or in each high school and at least one high-skill and in-demand pathway as identified in the State’s Workforce Innovation and Opportunity Act plan. Each school district shall coordinate with other school districts to ensure that students have increased access to multiple pathways. Students approved to take coursework outside of their attendance zone, to include across district lines, may be transported by school bus at no cost to the student or school district, provided that the route information has been submitted to the Department of Education. The Department of Education is permitted to utilize state funds to initiate and foster cross-district programs and may mandate that districts participate in such programs as a condition of receipt of state funding. Curricula must be designed to provide a well-rounded education as defined by the ‘Every Student Succeeds Act’ to prepare students for multiple pathways, including postsecondary credentials, advanced coursework, IB, and dual enrollment. These pathways must foster the life and career characteristics, world class knowledge, and skills identified in the Profile of the South Carolina Graduate;

(2) ~~promote an increased awareness of, and career counseling by providing access to the South Carolina Occupational Information System for all schools. However, if a school chooses another occupational information system, that system must be approved by the State Department of Education~~ that focuses on, regional and state workforce needs and on the careers that require a high school diploma, industry certification, postsecondary degree, or postsecondary credential; and

(3) review the pathways selected by the district every two years and determine if a different pathway is more appropriate for local workforce needs. Each district shall report the process it used in determining whether to keep or replace a pathway to the State Board of Education.”

B.This SECTION takes effect August 1, 2022.

SECTION 26. A.Section 59-53-30 of the 1976 Code is amended to read:

~~“Section 59-53-30. (A) Institutions of the South Carolina Technical Education System shall maintain open admissions policies unless determined to be economically unfeasible by the State Fiscal Accountability Authority and establish and maintain low tuition and fees in order to provide access to post-secondary education and insure that such educational opportunities shall not be denied to anyone.~~

(B) Upon request and justification and with the approval of the State Board of Education, the ~~Board~~ board may authorize an institution within its jurisdiction to contract with local school districts to offer adult literacy courses and programs and secondary-level ~~vocational~~ career and technical education courses and programs.

(C) Upon request and justification and with the approval of the Commission on Higher Education, the ~~Board~~ board may authorize an institution within its jurisdiction to offer two-year college parallel programs. The Commission on Higher Education shall approve all criteria for college parallel courses.”

B.This SECTION takes effect upon approval by the Governor and must be completed before August 1, 2022.

## PART VI

### Educator Development, Satisfaction, and Incentives

SECTION 27. (A) The Department of Education is directed to establish a pilot program by May 1, 2021 that will permit a school that has received an overall rating of ‘Excellent’ on its annual report card for at least two consecutive years, or is a located in a critical geographic area as defined in Section 59-26-20(j), to hire non-certified teachers in a ratio of up to ten percent of its entire teaching staff. In order to effect the establishment of the pilot program, the State Board of Education, through the Department of Education, shall approve guidelines that at a minimum shall include the following:

(1) a non-certified teacher must possess a baccalaureate or graduate degree in the subject he is hired to teach and must have at least five years of relevant workplace experience;

(2) procedures are provided for non-certified teachers to participate in the evaluation process pursuant to Section 59-26-30(B)(4) and (5); and

(3) training is required to ensure that non-certified teachers are prepared to enter the classroom.

(B) Participation in the pilot program is optional, and the decision to participate rests solely with the Department of Education and the school principal, upon approval of the district superintendent. Participating schools and districts are encouraged to collaborate on recruitment, training, and implementation of the pilot program and to assist the Department of Education with establishing best practices.

(C) The Department of Education shall establish a separate code in the professional coding system to capture non-certified teachers and shall continue to report this information on school report cards.

(D) Beginning November 1, 2022, the Department of Education shall submit an annual report that includes recommendations for improving, expanding, or continuing the pilot program to the General Assembly. At the end of the five-year pilot program, the annual status report shall include a recommendation regarding continuance of the program.

SECTION 28. Section 59-5-60(4) of the 1976 Code is amended to read:

“(4) Prescribe and enforce rules for the examination and certification of teachers, including for alternative route providers and programs.”

SECTION 29. Section 59-25-110 of the 1976 Code is amended to read:

“Section 59-25-110. The State Board of Education, by rules and regulations, shall formulate and administer a system for the examination and certification of teachers, including for alternative route providers and programs.”

SECTION 30. Section 59-25-115 of the 1976 Code is amended to read:

“Section 59-25-115. (A) For the purposes of this section, an ‘educator preparation program’ is a state-approved program housed at a college or university or an alternative route program as defined in Section 59-25-25.

(B) ~~A person enrolled in a teacher education~~ an educator preparation program in South Carolina must be advised by the education preparation provider, college, or university that his any prior criminal record could prevent approval to enter into a full or part-time pre-service field or clinical experience in public schools. The education preparation provider, college, or university must notify the individual that his prior criminal record could prevent certification as a teacher in this State in accordance with State Board of Education guidelines.

~~(B)(C)(1) Before beginning any part or full-time field or clinical teaching experience in a public school in this State, a teacher education~~ an educator candidate must complete a pre-service application and clearance process in accordance with State Board of Education guidelines. Part of this process shall include shall undergo a state fingerprint-based criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints by the Federal Bureau of Investigation, and a search of the National Association of State Directors of Teacher Education and Certification Clearinghouse’s educator misconduct records. The cost associated with the FBI background checks are those of the applicant. Information reported relative to prior arrests or convictions will be reviewed by the State Department of Education, and the State Board of Education when warranted, according to board guidelines. A teacher education candidate with prior arrests or convictions of a serious nature that could affect his fitness to teach in the public schools of South Carolina may be denied the opportunity to complete the clinical teaching experience and qualify for initial teacher certification. An individual who is denied this opportunity as a result of prior arrests or convictions, after one year, may request reconsideration under guidelines established by the State Board of Education.

(2) An educator candidate who completes an educator preparation program must repeat the fingerprint-based criminal records check as required in subsection (C)(1) before certification if the criminal history reports on file were submitted more than eighteen months prior to meeting all certification requirements.

(3) Any educator applying for recertification must repeat the fingerprint-based criminal records check as required in subsection (C)(1).

(C) ~~A graduate of a teacher education program applying for initial teacher certification must have completed the FBI fingerprint process within eighteen months of formally applying for initial teacher certification or the fingerprint process must be repeated.”~~

SECTION 31. Section 59-25-115 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

D  
“(1) The Department of Education shall establish procedures for the registration and clearance of all non-certified educators working in any public school, to include a public charter school. Educators shall submit the required documentation and fees to the Department of Education, which shall include, but are not limited to:

- R
- (a) a completed registration form;
  - (b) any associated fee;
  - (c) transcripts, which shall be subject to review; and
  - A (d) FBI, South Carolina Law Enforcement Division, and National Association of State Directors of Teacher Education and Certification Clearinghouse checks.

(2) An educator whose South Carolina educator certificate has been suspended or revoked shall not be employed as a non-certified teacher. If a non-certified teacher commits an offense covered by the Code of Conduct as promulgated by the State Board of Education, then the State Board of Education is authorized to revoke the educator’s registration.”

F

SECTION 32. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

T  
“Section 59-25-25. (A)(1) For the purposes of this section, ‘alternative route provider’ means an entity responsible for preparing educators. ‘Alternative route program’ is a sequence of academic courses and experiences that result in state certification.

(2) The State Board of Education may approve alternative route providers and programs for certification for any individual required to hold a state educator certificate. The State Board of Education must establish guidelines for approval that also include periodic review of all providers and programs as provided in Section 59-26-20( ). An educator preparation program housed within an institution of higher education does not have to be nationally accredited, may be approved as an alternative route provider, and may submit a separate and distinct educator preparation program for

alternative certification to the State Board of Education for approval. Any alternative route program must include, but is not limited to including, documented evidence of the following:

(a) its budget and sources of revenue, including fees paid by the candidates;

(b) its organizational information, including the names and qualifications of administrators, support staff, and faculty;

(c) entry requirements for candidates for each certification area program offered by the applicant;

(d) its plans for curriculum offerings, including its delivery method and timeframe, field placements, field supervision plans, and assessments of success;

(e) its partnerships with public schools for clinical experiences, if applicable, including signed memoranda of agreement with detailed responsibilities for the alternative route educator provider program and school district;

(f) evidence of annual successful teaching experience by the candidates and their progress toward obtaining a professional certificate;

(g) ongoing monitoring of candidates' performances in the classroom while in the alternative route program; and

(h) mentoring provided by the educator preparation program.

(B) The Department of Education shall report the total number of individuals employed in this State, by district, with certificates issued by alternative programs to the State Board of Education and the General Assembly before March thirty-first of each year.”

SECTION 33. Section 59-26-20 of the 1976 Code is amended by adding an appropriately lettered new item at the end to read:

“( ) develop and implement a plan for a seven-year cyclical approval evaluation process for all alternative route providers and programs, as defined in Section 59-25-25(A)(1). The plan shall include approval requirements, including documentation of successful teaching experiences differentiated by program, and a revocation process. The plan may be revised as necessary.”

SECTION 34. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-35. (A)(1) The State Board of Education, with the assistance of the Department of Education, the South Carolina Commission on Higher Education, and the Revenue and Fiscal Affairs Office, shall develop and annually produce a teacher preparation data dashboard that shall provide, at a minimum, the following:

- (a) the number of undergraduate and graduate completions;
- (b) placement and retention rates by district and region of the State;
- (c) the performance of candidates on a basic skills examination;
- (d) the ability of programs to recruit a strong, diverse cohort of candidates and prepare them to teach in the content areas of greatest need;
- (e) the quality of clinical experiences; and
- (f) the effectiveness of individuals who completed a provider’s program and are employed in a public school classroom.

(2) The information must be differentiated by provider and, if applicable, across content areas.

(B) The Department of Education, each educator preparation provider, and each school district shall report all data as requested by the State Board of Education that is necessary to produce the teacher preparation data dashboard, which shall be published on the Department of Education’s website.”

SECTION 35. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-120. (A) Using the longitudinal data system established pursuant to Section 59-18-1950, the Department of Education shall annually before December first provide information to each college of education and state-approved educator preparation program regarding their respective graduates. Information must be provided to a college of education or educator preparation program regarding each of its individual educator graduates and alternative program participants and completers and must include, but is not limited to:

- (1) scores for SCPASS and SC READY, or any succeeding assessment, aggregated by classroom, content, or grade; school; district; and learner demographic;

(2) student learning objective data aggregated by classroom, content, or grade; school; district; and learner demographic;

(3) the results of the ADEPT Evaluation by individual educator graduate;

(4) records of employee certification by individual educator graduate; and

(5) other information requested by the college of education or educator preparation programs designed to enhance the ability of the college or educator preparation program to provide improved education services.

(B) A college of education or educator preparation program receiving individualized information regarding its graduates pursuant to subsection (A) shall:

(1) develop and use a unique system for identifying each individual educator graduate for whom it receives such individualized information;

(2) strictly maintain the confidentiality of all information that could be used to identify an individual educator graduate for whom it receives such information; and

(3) not share such information with a third party without the express written consent of the individual educator graduate.

(C) Information provided to a college or educator preparation program pursuant to this section is not subject to the provisions of the Freedom of Information Act.”

SECTION 36. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59-25-52. (A) Annual requirements for the teacher survey currently administered by the Department of Education shall be met by the Center for Educator Recruitment, Retention, and Advancement of South Carolina (CERRA-South Carolina). CERRA-South Carolina shall administer the uniform and confidential online survey of all public school teachers to evaluate teacher satisfaction, shall collect and analyze the survey data, and shall report the results as provided in this section. The survey shall include, but is not limited to, an assessment of teacher perceptions of working conditions related to support and leadership, the availability and use of resources, the classroom and school environment, and professional opportunities. CERRA-South Carolina shall maintain data to provide year-over-year results.

(B) CERRA-South Carolina shall compile, analyze, and report survey results for each school and school district, as well as statewide. The reports must be:

(1) provided to the Education Oversight Committee and each school district board, school district superintendent, school principal, and school teacher; and

(2) published by CERRA-South Carolina, the Department of Education, the Education Oversight Committee, each school district, and each school in a conspicuous place on its respective website. A district must publish results only for the district. A school must publish results only for the school. Yearly results must be published online and maintained for ten years.”

SECTION 37. A. Section 59-20-50(4)(b) of the 1976 Code is amended to read:

~~“(b) The state minimum salary schedule must be based on the state minimum salary schedule index in effect as of July 1, 1984. The minimum starting teacher salary for a teacher with no years of experience and a bachelor’s degree shall be at least thirty-five thousand dollars. The General Assembly shall establish the starting teacher salary, the salary schedule, and the Education Finance Act inflation factor each year in the annual appropriations act. Annual salary increases must be based on funding provided by the General Assembly in the annual appropriations act and provided through adjustments in the salary schedule to educators identified by the Department of Education as eligible to receive the Education Improvement Act teacher salary supplement during Fiscal Year 2019-2020 as reported to the Revenue and Fiscal Affairs Office. In Fiscal Year 1985, the 1.000 figure in the index is \$14,172. (This figure is based on a 10.27% increase pursuant to the South Carolina Education Improvement Act of 1984.) Beginning with Fiscal Year 1986, the 1.000 figure in the index must be adjusted on a schedule to stay at the southeastern average as projected by the Office of Research and Statistic of the Revenue and Fiscal Affairs Office and provided to the General Assembly during their deliberations on the annual appropriations bill. The southeastern average teacher salary is the average of the average teachers’ salaries of the southeastern states. In projecting the southeastern average, the office shall include in the South Carolina base teacher salary all local teacher supplements and all incentive pay. Under this schedule, school districts are required to maintain local salary supplements per teacher no less than their prior fiscal level. In Fiscal Year 1986 and thereafter teacher pay raises through adjustments in~~

~~the state's minimum salary schedule may be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the following criteria:~~

- ~~(1) holding a valid professional certificate;~~
- ~~(2) having a score of 425 or greater on the Commons Examination of the National Teachers Examinations;~~
- ~~(3) meeting the minimum qualifying score on the appropriate area teaching examination; or~~
- ~~(4) meeting the minimum standards on the basic skills examinations as prescribed by the State Board of Education provided in Section 59-26-20."~~

B. This SECTION takes effect July 1, 2020.

SECTION 38. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

"Section 59-19-360. The board of trustees of a local school district may authorize daily mileage reimbursement for a teacher who must travel more than twenty-five miles each way between home and school. This reimbursement may not exceed the federal reimbursement rate for mileage."

SECTION 39. A. Section 59-5-63 of the 1976 Code is amended to read:

"Section 59-5-63. (A)(1) The State Board of Education shall ~~promulgate regulations directing~~ adopt, and revise as necessary, a policy that each local school board must use to develop and implement a plan that directs the principal of each elementary school having ~~grades one kindergarten~~ through ~~six~~ the fifth grade to provide all full-time teachers who are assigned to a classroom with at least thirty minutes of duty-free time on each regular school day to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984-85 school year.

- (2) The State Board of Education's policy must:

(a) provide the process that a local school board must follow in developing a duty-free policy, including, but not limited to, policy application, manner of application, and times of application;

(b) provide that duty-free time may not be withheld or reduced, unless it is reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff;

(c) provide that additional compensation may not be offered in place of duty-free time;

(d) provide penalties if a principal fails to comply with local duty-free policy; and

(e) provide penalties if a local school board fails to comply with this section.

(B) The local school board must adopt a duty-free policy at a regularly scheduled meeting within three months of the State Board of Education's adoption of a statewide policy. The local school board's policy must include, at a minimum, the State Board of Education's policy but may also include additional provisions. If the State Board of Education revises the statewide policy, then the local school board must incorporate and adopt the revisions into the local duty-free policy at a regularly scheduled meeting within three months.

(C) The local school board must submit its duty-free policy and any subsequent revisions to the Department of Education within thirty days of adoption."

B.This SECTION takes effect August 1, 2020.

## PART VII

### Local School Boards

SECTION 40. A.Chapter 19, Title 59 of the 1976 Code is amended by adding:

#### "ARTICLE 7

### Local School Governance

Section 59-19-710. The purpose of this article is to enhance local school governance by promoting the highest standards of ethical behavior.

**D** Section 59-19-720. For the purposes of this article, ‘board member’ means a person holding membership, whether by election or appointment, on a board of education, including a charter school board or the South Carolina Charter School District board, other than the State Board of Education.

**R** Section 59-19-730. (A) The State Board of Education shall adopt, and revise as necessary, a model code of ethics for local school board members. The code shall include penalties for violations that the State Board of Education determines are reasonable and necessary.

**A** (B)(1) A local school board shall adopt a local code of ethics applicable to that board within three months after adoption of the model code of ethics by the State Board of Education. A local code must include, at a minimum, the State Board of Education’s model code of ethics.

**F** (2) If the State Board of Education adopts a revision to the model code of ethics, then local school boards shall adopt and incorporate the revision into their local code within three months of the adoption of the revision by the State Board of Education.

**T** (3) A local school board may only adopt its local code of ethics or any changes to that local code at a regularly scheduled meeting.

(4) A local school board may not adopt or follow a code of ethics that prevents its members from freely discussing the policies and actions of the board outside of a board meeting. This does not preclude a local school board from adopting a policy in a regularly scheduled meeting that prohibits certain disclosures allowed by law.

(5) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the Department of Education within thirty days of adoption.

(6) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other statute.”

B. Section 59-19-730(A) takes effect upon approval by the Governor but must be completed before July 1, 2021.

SECTION 41. A. Section 59-19-45 of the 1976 Code is amended to read:

“Section 59-19-45. (A)(1) The State Board of Education shall adopt a model training program for training local school board members. Every three years, the State Board of Education shall review the training program as it considers necessary and adopt revisions.

(2)(a) A local school board shall adopt a local training program applicable to that board within three months after adoption of the model training program by the State Board of Education. A training program must include, at a minimum, the model training program adopted by the State Board of Education.

(b) If the State Board of Education adopts a revision to its training program, then local schools board shall adopt and incorporate the revision into their local training programs within three months of the adoption of the revision by the State Board of Education.

(c) A local school board may only adopt its local training program or any changes to that local training program at a regularly scheduled meeting.

(B) Within one year of taking office, all persons elected, ~~re-elected, or~~ appointed, or reappointed as members of a school district board of trustees after July 1, 1997, regardless of the date of their election, re-election, appointment, or reappointment, shall complete successfully ~~an orientation~~ a training program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, superintendent and board relations, instructional programs, district finance, school law, ethics, nepotism, conflicts of interest, and community relations. This program must be offered by a district or its designee and completed by each board member within one year after his election, reelection, appointment, or reappointment.

~~(B) The orientation shall be approved by the State Board of Education and conducted by public or private entities approved by the State Board of Education such as the South Carolina School Boards Association.~~

~~(C) The provisions of this section also apply to members of county boards of education appointed or elected after July 1, 1997, in the same manner the provisions of this section apply to members of school district boards of trustees. In addition to meeting other requirements provided by law, a person serving on a local school board shall sign a statement asserting that he understands and is in compliance with the South Carolina ethics law, the applicable local code of ethics, and the training required pursuant to this section.~~

~~(D) The provisions of this section do not apply to a school board trustee or county board of education member who was serving in such office on July 1, 1997, and who is continuously reelected or reappointed to office thereafter. At the beginning of each calendar year, a local school board shall certify compliance with the provisions of subsection (C) by all board members and publish this certification in the minutes of the next regularly scheduled school board meeting.~~

~~(E) The State Department of Education shall reimburse a school district or county board of education conducting an orientation for a new board member as required by this section at the rate of eighty dollars for a member, provided that the total reimbursements by the department in one fiscal year must not exceed ten thousand dollars. If the total projected cost of these reimbursements for a year as determined by the department exceeds ten thousand dollars, the eighty dollar reimbursement for each new member must be reduced proportionately. If funds are not available for these reimbursements, the board member orientation is not required but may be conducted at the option of a school district or county board of education. The State Board of Education shall establish guidelines and procedures for these reimbursements.~~

~~(F) The State Department of Education must keep a record of the school board trustees who complete the orientation program.”~~

B. Section 59-19-45(A)(1) takes effect upon approval by the Governor but must be completed by December 31, 2020. The training program pursuant to Section 59-19-45(B) must be offered by a district or its designee and completed by each board member within one year after the effective date of this SECTION.

SECTION 42. A. Section 59-39-100 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) (1) A district school board or charter school sponsor may establish a board policy to require all high school students without a scheduled class or classes for the remainder of a school day to remain at their assigned school until the end of that regular school day, unless the student:

- (a) is actively participating in a college or career readiness activity, class, or course away from the school, including, but not limited to, work-based learning; an approved apprenticeship, internship, or externship; or a senior project;
- (b) is actively involved in an ongoing community service project;

- (c) is regularly scheduled for a volunteer or service activity, such as tutoring or mentoring another student;
- (d) is gainfully employed; or
- (e) provides a written request from his parent or guardian requesting an exemption from the requirement.

(2) The district board or charter sponsor policy established may require a uniform district-wide policy or may include provisions allowing each high school under its governance to establish a policy unique to its students' needs that is uniformly applied within the school.”

B. This SECTION takes effect August 1, 2020.

SECTION 43. (A)(1) On or before August 1, 2022, any local school district meeting the following characteristics shall be eligible to receive appropriated funds for the purpose of consolidating with other local school districts within its county:

(a) based on the forty-five day average daily student membership count received by the Department of Education for the 2018-19 School Year, maintains an average daily membership that is less than one thousand five hundred; and

(b) is located within a county ranked as Tier IV in the 2018 tax year pursuant to Section 12-6-3360(B).

(2) Any funds received must be used to support costs directly related to consolidation, including, but not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors that the local school district demonstrates are necessary to complete consolidation. The Department of Education is eligible to carry forward these funds from one fiscal year to the next and use them for the same purpose.

(3) On or before August 1, 2020, each eligible district must submit a preliminary consolidation plan and timeline to the Department of Education for review and approval and must include a proposed use of funds. Upon approval by the Department of Education, each district shall forward its consolidation plan to its local legislative delegation for action. Upon approval of a consolidation plan by the Department of Education, the Department of Education shall make an initial allocation to the impacted districts. The Department of Education shall allocate any remaining funds following any legislative action formally consolidating districts.

(B)(1) After August 1, 2022, any local school district satisfying the characteristics of subsection (A)(1) that has not implemented consolidation pursuant to subsection (A) shall be merged with one or more districts in the same county and is

not eligible for appropriated funds. The Department of Education will direct the merger and shall report to the General Assembly any legislative actions necessary to accomplish the merger.

(2) If a district began consolidation and received funding pursuant to subsection (A) but did not fully implement the consolidation, then the district shall be consolidated pursuant to this subsection. The Department of Education shall direct the district to remit payment in an amount equal to the funds allocated pursuant to subsection (A). The Department of Education shall work with the districts involved to identify services that will be consolidated and to enhance educational services and the programs available to students.

(C) After August 1, 2020, a local school district eligible for consolidation pursuant to subsection (A) may not incur new bonded indebtedness, spend existing district reserves, dispose of district assets, or increase the salary of any district employee without prior approval by the Department of Education unless otherwise directed by the General Assembly.

(D) If sufficient funds are not appropriated to support subsection (A), then the Department of Education is directed to submit a report to the General Assembly by January 10, 2020, outlining the districts that meet the criteria of subsection (A)(1). School districts included in the report required by this subsection are subject to the consolidation process provided in subsection (B). The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.

SECTION 44. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-45. (A) Notwithstanding any other provision of law, any local school district shall be eligible to receive appropriated funds for the purpose of consolidating with other districts within its county if the district maintains an average daily membership that is less than one thousand five hundred based on annual student counts received by the Department of Education. These funds must be used to support costs directly related to consolidation, including, but not limited to, salary adjustments, facilities, debt mitigation, millage rate adjustments, transportation, technology, and other factors that the district demonstrates are necessary to complete consolidation. The Department of Education is eligible to carry forward these funds from one fiscal year to the next and to use them for the same purpose.

(B) An eligible district intending to consolidate must submit a preliminary consolidation plan, a timeline, and the proposed use of funds to the local legislative delegation for review and approval through the passage of local legislation.

Upon approval by the local legislative delegation, the district shall forward the consolidation plan to the Department of Education, and the Department of Education shall make an initial allocation to the impacted districts. The Department of Education shall allocate any remaining funds following any legislative action formally consolidating the districts.

(C) Upon submission of a consolidation plan, a local school district may not incur new bonded indebtedness, spend existing district reserves, dispose of district assets, or increase the salary of any district employee without prior approval by the Department of Education, unless otherwise directed by its local legislative delegation.

(D) If sufficient funds are not appropriated to support consolidation, then the Department of Education is directed to submit a report annually to the General Assembly outlining the districts that have submitted consolidation plans. The report shall include information on shared services, district efficiency reviews, and other relevant information related to school district consolidation.”

SECTION 45. Section 59-19-350(A) of the 1976 Code is amended to read:

“Section 59-19-350. (A) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create ~~a school~~ schools of ~~choice~~ innovation within the district that ~~is~~ are exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education. To achieve the status of exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education.”

SECTION 46. A. Section 59-1-425(A) of the 1976 Code is amended to read:

“Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ~~ninety~~ ninety-five days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, ~~beginning with the 2007-2008 school year,~~ the opening date for students must not be ~~before the third~~ before the second

Monday in August, except for schools operating on a year-round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and ~~the remaining~~ five days may be used for teacher planning, academic plans, and parent conferences. The remaining five days may be used for teacher planning but must not include mandatory professional development, meetings, or parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.”

B. This SECTION is effective contingent upon funding in the annual appropriations act.

SECTION 47. Section 59-19-60 of the 1976 Code is amended to read:

“Section 59-19-60. Notwithstanding any provision of law to the contrary, school ~~School~~ district trustees guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity shall be subject to removal from office ~~for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education by the Governor. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59-19-560.~~ Vacancies occurring in the membership of any board of trustees for any cause shall be filled for the unexpired term ~~by the county board of education~~ in the same manner as provided for full-term appointments.”

## PART VIII

### Assistance and Intervention

SECTION 48. Article 15, Chapter 18, Title 59 of the 1976 Code is repealed.

SECTION 49. Chapter 18, Title 59 of the 1976 Code is amended by adding:

“ARTICLE 16

Assistance and Intervention

Section 59-18-1615. As used in this article:

(1) ‘Chronically underperforming school’ means a school that receives an overall rating of unsatisfactory for three consecutive years on its annual school report card, as provided in Section 59-18-900.

(2) ‘School district’ is defined pursuant to Section 59-1-160.

(3) ‘Turnaround plan’ means a plan outlining goals for a school or district’s educational improvement that includes specific strategies designed to increase student achievement and measures to evaluate the success of implementation of the plan so that the school or district is no longer underperforming or chronically underperforming. The department is required to provide schools and districts with a template to complete the turnaround plan.

(4) ‘Underperforming district’ means a district in which sixty-five percent or more of the schools in the district have an overall rating of unsatisfactory or below average on their annual school report cards, as provided in Section 59-18-900.

(5) ‘Underperforming school’ means a school that receives an overall rating of unsatisfactory or below average on its annual school report card, as provided in Section 59-18-900.

Section 59-18-1620. (A) The department shall implement a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. By December thirty-first of each year, the State Superintendent of Education shall report on the tiered system’s progress relating to assistance provided to schools and local school districts to the General Assembly. The report shall include data documenting the impact of the assistance on student academic achievement, college and career readiness, and high school graduation rates.

(B) As a component of determining if and where assistance and changes are necessary, the department shall:

(1) monitor the professional development of teachers, staff, and administrators provided by or approved through districts and schools;

(2) monitor local school board operations for efficient and effective management; and

(3) identify and provide a summary of improvements and changes to the school districts, district school boards, and other involved parties.

Section 59-18-1625. (A) Upon a school or district's designation as an underperforming school or district, the department shall immediately place the school or district into a tiered status to provide technical assistance. The department shall notify the underperforming school or district and the district superintendent of the tiered status.

(B)(1) Upon receiving notification from the department, the district superintendent, in consultation with school and community stakeholders, must review and revise the school or district's strategic plan with the assistance of the School Improvement Council, as established in Section 59-20-60, to include a turnaround plan component for any underperforming school or district.

(2) The turnaround plan component of the revised strategic plan must:

(a) be based on data or needs assessments to identify specific improvement strategies related to underperforming school turnaround;

(b) include, at a minimum, specific and measurable goals, actions, activities, resource needs, student achievement goals, professional development plans, and academic interventions that are reasonable and necessary to improve student progress toward achieving the Profile of the Graduate for each school;

(c) include broad-based community input, including, but not limited to, input from parents, teachers, principals, local school board members, businesses, community leaders, health providers, social services agencies, school improvement councils, or early childhood providers; and

(d) be submitted by the district superintendent to the local board of trustees for approval.

(C) Upon approval by the local board of trustees, the turnaround plan component of the revised strategic plan must be submitted to the department for review and approval. Thereafter, the district superintendent and the local board of trustees shall annually submit updates to the department regarding the implementation of the turnaround or revised strategic plan, including metrics assessing the impact of the activities included in the plan.

(D) Once approved by the department, the revised strategic plan must be prominently posted on the respective websites of the department, district, and school. The department shall monitor the district's implementation of the revised strategic plan and evaluation of students' academic progress, as provided for in the plan, and shall apprise the State Board of Education of the district's progress once a quarter.

(E) For a school receiving an underperforming rating, the district and local board of trustees must work with the school principal to inform the parents of enrolled children of the rating. The notification must outline the steps in the revised strategic plan to improve performance, including the support that the local district board of trustees has agreed to give the plan.

Section 59-18-1630. Upon the release of the annual report card issued pursuant to Section 59-18-900, the department shall notify the appropriate legislative delegation of any school receiving an overall unsatisfactory rating. The local school board and district superintendent with jurisdiction over the unsatisfactory school shall:

- (1) notify parents of students in writing and electronically;
- (2) schedule, prominently publicize, and hold a public meeting to explain the school's rating, its implications, how it must develop and implement a revised strategic plan for improvement, and how it will involve and engage the community in its plans, within thirty days of receiving the rating;
- (3) immediately review and revise its strategic plan, which must incorporate and focus on turnaround plan components for each school designated as unsatisfactory in accordance with the template and guidelines provided by the department; and
- (4) upon department approval, immediately list the revised strategic plan as a topic on the local district board meeting agenda at least once a quarter.

Section 59-18-1635. (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a school for which he has a capacity to serve under the following circumstances:

- (1) the school is chronically underperforming;
- (2) the school's accreditation is denied; or
- (3) the State Superintendent of Education determines that a school's turnaround plan results are insufficient.

(B) If the State Superintendent of Education determines that a state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon approval of a state-of-education emergency declaration, the State Superintendent of Education shall:

- (1) notify the district superintendent, local school board, local legislative delegation, and Governor; and
- (2) assume management of the school.

(D) The district superintendent and members of the local district board may appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E) Once a school subject to subsection (C) has met annual targets identified in the revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and local board of trustees, shall develop a transition plan and timeline for returning management of the school to the district.

Section 59-18-1640. (A) The State Superintendent of Education may seek a state-of-education emergency declaration in a district for which he has a capacity to serve under the following circumstances:

- (1) the district is identified as underperforming for three consecutive years;
- (2) the district's accreditation is denied;
- (3) the Superintendent of Education determines that a district's turnaround plan results are insufficient; or
- (4) the district is classified as being in a fiscal emergency status pursuant to Section 59-20-90, or financial mismanagement resulting in a deficit has occurred.

(B) If the State Superintendent of Education determines that a state-of-education emergency declaration is justified, then he must request that the State Board of Education meet to approve or disapprove the declaration. The State Board of Education must meet within ten days of the request to approve or disapprove the declaration.

(C) Upon approval of a state-of-education emergency, the State Superintendent of Education shall:

(1) notify the State Board of Education, the district superintendent, local school board, local legislative delegation, and Governor; and

(2) assume management of the district.

(D) The district superintendent and members of the local district board may appeal the State Board of Education's approval of the declaration to the Administrative Law Court within ten business days of receipt of the notice of the declaration. A request for a hearing must be made in accordance with the court's rules, provided, however, that a request for a contested case hearing for an emergency declaration does not stay the declaration.

(E)(1) Upon the State Board of Education's approval of a state-of-education emergency declaration, the local district board of trustees is dissolved. The State Superintendent of Education shall assume the authority and responsibilities of the district superintendent and local board of trustees until district management is transitioned to the jurisdiction of an interim local district board of trustees appointed pursuant to this section.

(2)(a) Once a district subject to subsection (C) has met annual targets identified in the district's revised strategic plan for sustained improvement for a minimum of three consecutive years, the State Superintendent of Education shall submit to the State Board of Education documentation of such. The State Board of Education shall approve that an interim local district board of trustees be appointed. The interim local district board of trustees shall consist of five members appointed in the following manner with a chairman elected by the appointees:

(i) one member appointed by the Governor;

(ii) one member appointed by the local legislative delegation; and

(iii) three members appointed by the State Superintendent of Education in consultation with the local legislative delegation.

(b) All appointees must be residents of the school district for which the interim appointments are being made. In making appointments to the interim local district board of trustees, the appointing authority shall take into account race, gender, and other demographic factors, such as residence in a rural or urban area, so as to represent, to the greatest extent possible, all segments of the population of the affected district; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the interim local district board of trustees shall represent the educational needs of the district.

(c) The interim local district board shall be appointed to begin serving within forty-five days of the State Board of Education's approval of the appointments of the interim local district board and shall serve for a minimum of three years.

(d) Any vacancy shall be filled in the original manner of appointment.

(3) For a minimum of three years and until the State Board of Education votes to end the state-of-education emergency, the interim local district board shall remain in place, and its appointed members shall continue to serve.

(F)(1) Upon an affirmative vote by the State Board of Education to end the state-of-education emergency, the department, in consultation with the district and interim board, shall develop a transition plan and timeline for returning management of the district to a local board of trustees. Beginning with the next regularly scheduled election, local district board of trustees members will be elected or appointed pursuant to statutory requirements.

(2) Upon the swearing in of a new local district board of trustees, the declaration of a state-of-education emergency shall expire, and the powers and duties of the district superintendent and local district school board of trustees are restored.

(G) Notwithstanding any other provision of law, a district in a state-of-education emergency pursuant to this section shall have its fiscal authority relating to taxing authority and levying millage transferred to its county council until the state-of-education emergency is lifted. County council may not exceed millage limitations established pursuant to Section 6-1-320 or otherwise established prior to the state-of-education emergency declaration.”

SECTION 50. Section 59-18-920 of the 1976 Code is amended to read:

“Section 59-18-920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the ~~Department of Education~~ department necessary to generate a report card and a rating. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District or a registered institution of higher learning must be included in the overall performance ratings of each school ~~in the South Carolina Public Charter School District~~. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district's report card. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

SECTION 51. Section 59-59-30 of the 1976 Code is repealed.

## PART IX

### Miscellaneous

SECTION 52. (A) On or before August 1, 2021, the Legislative Audit Council shall study and publish a report detailing federal funding streams for programs and grants in elementary and secondary education in this State in total and shall break out the cost of overhead, compliance, and reporting incurred by the Department of Education, school districts, and local schools. Methods, assumptions, limitations, and procedures used in the study must be published as part of the final report.

(B) The Legislative Audit Council's study shall focus on:

- (1) Title I, Title II, and Title IV as related to the Elementary and Secondary Education Act of 1965, and as reauthorized by the No Child Left Behind Act of 2001, and Every Student Succeeds Act of 2017;
- (2) Individuals with Disabilities Education Act of 2004;
- (3) Head Start and Early Childhood Education; and
- (4) teacher quality improvement programs.

(C) The study and report must include, but is not limited to, the following considerations:

- (1) grant and program application costs as a cost of compliance;
- (2) grant and program application policy requirements imposed on the State, as well as the fiscal impact associated with the requirements;
- (3) expenditures, annualized and projected for the life of each grant and program and for ten years after the grant or program expires or after federal funding is discontinued;
- (4) the process to evaluate programs and grant costs of compliance, including an analysis of applicable federal regulations, as well as interviews with at least ten local school districts of varying size and two schools per district selected. Schools and districts that participate in the study will be held harmless;

(5) both allowable and unallowable expenditures incurred from the programs and grants included in the cost of compliance;

(6) expenditures incurred requiring the use of state or local funds included in the cost of compliance; and

(7) “Maintenance of Effort” and “Supplement, Not Supplant” requirements included in the cost of compliance as a category of “minimum state and local spending required to receive grant.”

(D) Once complete, the report will be made public.

SECTION 53. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 54. Unless otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.